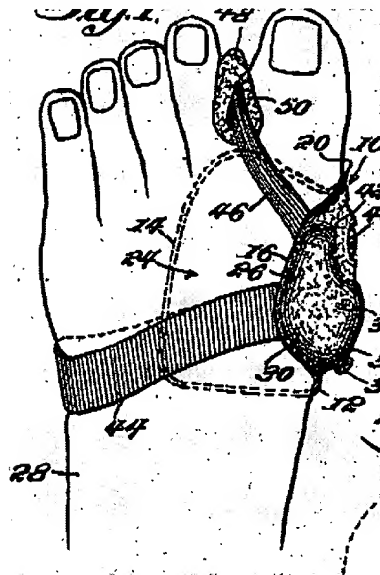




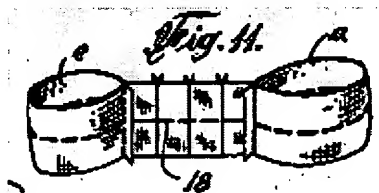
## DETAILED ACTION

### *Allowable Subject Matter*

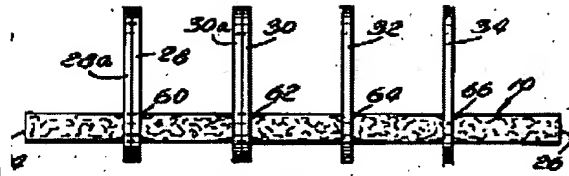
1. Claims 1, 3, and 5-10 are allowed. The following is an examiner's statement of reasons for allowance: Prior art devices to relieve abnormalities associated with hallux valgus are well known in the art. Day (U.S. 2,416,823) as pictured



teaches a brace comprising a three-point lever means providing three points of pressure, including a distal pad, a proximal pad, and a pad pressing on the ball of the foot. Day fails to teach or make obvious a lever arm pressing against the ball of the foot, nor the distal pad being disposed on an adjustable arm.

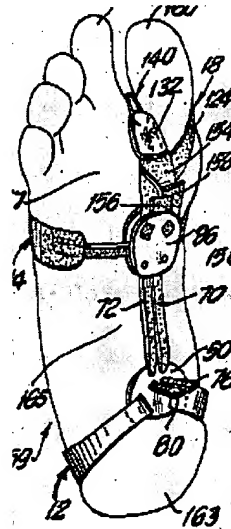


2. Patterson (U.S. 2,354,770) as pictured teaches a toe protector which presses on three points including the medial and distal phalanx as well as the ball of the foot. Patterson fails to teach or make obvious a lever arm pressing against the ball of the foot, nor the distal pad being disposed on an adjustable arm.



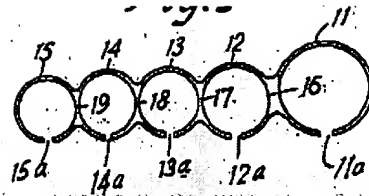
3. Kiwad (U.S. 2,531,851) as pictured

teaches a device comprising a three-point lever means capable of providing pressure to the medial and distal phalanx as well as the ball of the foot. Kiwad further teaches the brace substantially located under the toes, and located distally of the metatarsal joint. Kiwad fails to teach or make obvious the distal pad located on an adjustable lever.



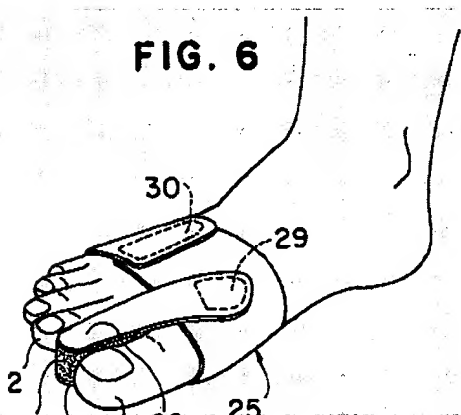
4. Jungmann (U.S. 4,637,381) as pictured

teaches a foot brace, including a strap around the toe thereby providing a degree of pressure to the proximal and distal phalanx as well, as a pressure providing point on the ball of the foot. Jungmann fails to teach a distal and proximal pad, with the distal pad disposed on an adjustable arm.



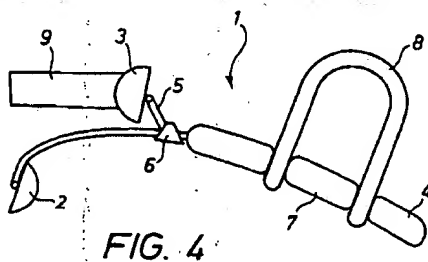
5. Baltor (U.S. 2,471,997) as pictured teaches a toe protector including structure that would provide pressure to the distal and proximal phalanx as well as a portion of the ball of the foot. Baltor fails to teach or make obvious having a lever arm pressing on the ball of the foot, and a distal pad disposed on an adjustable arm.

6. Kasahara (U.S. 5,437,616) as pictured

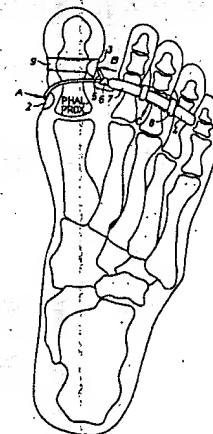


discloses a distal pad adapted to provide pressure on the medial phalanx and mean to provide pressure to the ball of the foot. Kasahara fails to teach a proximal pad, or a lever arm capable of pressing the ball of the foot.

7. The prior art of record fails to teach the claimed device as pictured including a



three-point lever providing pressure on a distal and



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proximal phalanx, with a proximal and distal pad, the distal pad disposed on an adjustable arm (5), and a lever arm (7) pressing on the ball of the foot.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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3/18/2005



MICHAEL A. BROWN  
PRIMARY EXAMINER